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AMENDMENT

Appl. No. 10/062,584
Applicant Backus et al.
Filed February 2, 2002
Title Ultrashort Pulse Amplification in Cryogenically Cooled Amplifiers
GAU 2828
Examiner Tuan N. Nguyen
Docket C01.110

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Appl. No. 10/062,584
Amnt. dated March 23, 2004
Reply to Office Action of Aug. 5, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/062,584
Applicant : Backus et al
Filed : February 2, 2002
Title : Ultrashort Pulse Amplification in Cryogenically Cooled
Amplifiers
Group Art Unit : 2828
Examiner : T. Nguyen
Docket No. : C01.110

Honorable Commissioner of Patents
Washington DC 20231

REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action mailed February 27, 2004, Application requests reconsideration and withdrawal of the final rejection of all claims in the present application, as premature. **Remarks/Arguments** are found on page 2 of this paper.

Appl. No. 10/082,584
Amnt. dated March 23, 2004
Reply to Office Action of Aug. 5, 2003

REMARKS/ARGUMENTS

Applicant hereby requests reconsideration and withdrawal of the final rejection of all claims in this application as being premature. A telephone interview with the Examiner and Examiner's supervisor is requested in the attached "Applicant Initiated Interview Form." A suggested date for this interview is March 31, 2004.

Premature Final Rejection Discussion:

The following discussion is divided into numbered paragraphs according to the numbering in the Office Action mailed February 27, 2004. The final rejection of all claims in the present application, claims 1-20, is premature for the following reasons:

(1) Examiner did not carefully review the affidavit prepared by an expert in the field of the invention and provide analysis or reasons why the affidavit was insufficient to overcome the rejections under 35 USC §102(b) and 35 USC §103. Examiner's entire discussion of the affidavit comprises the following sentence: "Affidavit submitted Jan 5, 2004 has been carefully reviewed." Examiner's statement that he "carefully reviewed" the affidavit is not sufficient, because he did not provide any discussion regarding why the affidavit was insufficient.

Per MPEP 716, Examiner's note 7.66, the Examiner is to provide statutory

grounds and reasons why the affidavit is insufficient.

(2)-(3) Claim Rejections under 35 USC §112.

Applicant submits that the claim rejections for indefiniteness are incorrect. Examiner states that the structure of the amplifier is not clear. Yet Claim 1 specifies that an oscillator provides input light to be amplified, an amplifier amplifies the light, and a pump laser pumps the amplifier. The terms "amplifier," "pump laser," and "oscillator" are well known to those skilled in the art of lasers. The relationship between these elements is laid out in the claim. The Examiner can refer to Figure 1 of the application if any uncertainty remains. Applicant submits that the structure is quite definite and clear.

The Examiner further states that the structure of the amplifier is vague and indefinite, that the location of the amplifier is vague and indefinite, and that the method of cryogenic cooling is unclear. The amplifier is enabled in the application and Applicant submits that further limitations on the amplifier in the claim are unnecessarily limiting.

Examiner states that Claim 13 has insufficient structure, but Claim 13 is a method claim and structure is therefore not required.

(4) Claim Rejections under 35 USC §102

See comments relating to the affidavit in paragraph (1) above. Applicant submits that Mollenauer does not show the elements of the independent claims and Applicant has submitted an affidavit by an expert in the field of

lasers to that effect.

To give one example, Mollenauer does not disclose a system capable of amplifying from on the order of 10^{-9} Joules to on the order of 10^{-3} Joules, as specified in the independent claims.

(6)-(8) Claim Rejections under 35 USC §102

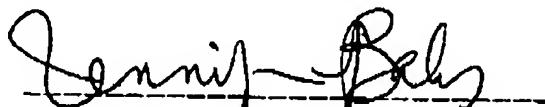
See comments relating to the affidavit in paragraph (1) above. Applicant submits that the combination of Mollenauer, Weingarten et al and Plaessmann et al do not render the claims obvious, and has submitted an affidavit by an expert in the field of lasers to that effect.

There is no suggestion in any of the references, alone or in combination, to use cryo-cooling to achieve the kinds of performance the present application achieves in a single stage, as specified by the independent claims.

Respectfully submitted,

MACHELEDT BALES LLP

By



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